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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,346	11/03/2003	Timo P. Tervo	NOKM.073PA	5267

7590 04/09/2007
Hollingsworth & Funk, LLC
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Minneapolis, MN 55425

EXAMINER

KANG, PAUL H

ART UNIT	PAPER NUMBER
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2144

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/700,346

Applicant(s)

TERVO ET AL.

Examiner

Paul H. Kang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>5/13/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6, 8, 14-18, 20-25, 27-32 and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Wireless Application Group, "User Agent Profile Specification", November 10, 1999 (hereinafter referred to as WAG).

3. As to claims 1, 14, 21 and 28, WAG teaches a method, system, mobile terminal and computer readable medium having instructions stored thereon executable by a computer for providing services usable by a mobile computing arrangement, comprising:

initiating a device startup sequence of the mobile computing arrangement (WAG, §§ 5.1-5.5, 6.1);

communicating a capability descriptor of the mobile computing arrangement to a service provider entity as part of the startup sequence (WAG, § 6.1);

selecting a data service targeted for the mobile device based on the capability descriptor communicated to the service provider (WAG, § 6.5); and

initiating the data service with the mobile computing arrangement (WAG, §§ 6.1-6.2, 6.5).

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4. As to claim 2, WAG teaches the capability descriptor comprises a URL (WAG § 5.1).

5. As to claims 3, 15, 22 and 29, WAG teaches the URL references a User Agent Profile (UAProf) descriptor (WAG, §§ 5.1-5.5).

6. As to claims 4, 16, 23 and 30, WAG teaches the capability descriptor comprises a User Agent Profile descriptor (WAG, § 4.0).

7. As to claims 5, 17, 24 and 31, WAG teaches the capability descriptor comprises a User Agent header (WAG, §§ 5.1, 6.1).

8. As to claims 6, 18, 25 and 32, WAG teaches the capability descriptor comprises a terminal model identifier (WAG, § 5.1).

9. As to claims 8, 20, 27 and 34, WAG teaches the method wherein communicating the capability descriptor of the mobile computing arrangement comprises communicating the capability descriptor to the services provider via a wireless network control channel associated with a network registration of the mobile computing arrangement (WAG, §§ 5.3-5.5, § 6).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 7, 9, 11, 19, 26 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over WAG in view of Skog et al., US Pat. App. No. 2004/0052233 A1.

12. As to claims 7 and 19, 26, WAG teaches the invention substantially as claimed. However, WAG does not explicitly teach communicating the capability descriptor of the mobile computing arrangement comprises communicating the capability descriptor targeted for the services provider via Short Message Service (SMS). In the same field of endeavor, Skog teaches a system and method having profile and capability of WAP-terminal with external devices connected wherein communicating the capability descriptor of the mobile computing arrangement comprises communicating the capability descriptor targeted for the services provider via Short Message Service (SMS). (Skog, ¶0054). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated SMS into the WAP system of WAG since it is desirable to integrate multiple communication platform in order to enhance compatibility, accessibility and scalability.

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13. As to claims 9, 11 and 33, WAG-Skog teach the method wherein communicating the capability descriptor of the mobile computing arrangement comprises communicating the capability descriptor targeted for the services provider via a secondary network interface of the mobile computing arrangement, wherein the secondary network interface of the mobile computing arrangement comprises a Bluetooth network interface (Skog, ¶¶ 0046-0050).

14. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wag-Skog in view of Coulombe et al., US Pat. App. No. 2005/0060411 A1.

15. As to claim 10, WAG-Skog teaches the invention substantially as claimed. However, WAG-Skog does not explicitly teach the method wherein the secondary network interface of the mobile computing arrangement comprises a wireless local area network (WLAN) interface. In the same field of endeavor, Coulombe teaches a system and method for adaptation of peer-to-peer multimedia sessions wherein the secondary network interface of the mobile computing arrangement comprises a wireless local area network (WLAN) interface (Coulombe, ¶0030).

16. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over WAG in view of Open Mobile Alliance, "User Agent Profile", OMA-UAPProf-v2_0-20030520-C, May 20, 2003 (hereinafter referred to as OMA).

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17. As to claim 12, WAG teaches the invention substantially as claimed. However, WAG does not explicitly teach the method further comprising communicating capabilities request targeted to the mobile computing arrangement, and wherein the capability descriptor targeted for the service provider entity is communicated in response to the capabilities request. In the same field of endeavor, OMA teaches the method further comprising communicating capabilities request targeted to the mobile computing arrangement, and wherein the capability descriptor targeted for the service provider entity is communicated in response to the capabilities request (See OMA, § 6.3.1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the client capability query in a push environment for the purpose of tailoring the content of messages generated.

18. As to claim 13, WAG-OMA teaches the method wherein the capabilities request is communicated via a Wireless Application Protocol (WAP) Over The Air (OTA) Push (OMA, § 6.3.3).

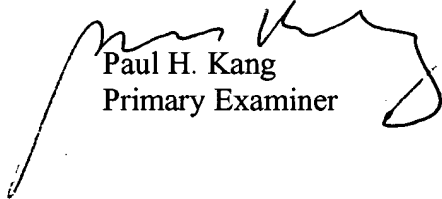
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul H. Kang whose telephone number is (571) 272-3882. The examiner can normally be reached on 9 hour flex. First Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Paul H. Kang
Primary Examiner